

## **Minutes of the Maine Real Estate Commission**

**JANUARY 20, 2005**

### **MEMBERS PRESENT**

Earl Black  
David Kitchen  
Sharon Millett  
Jeffrey Mitchell  
Winfred Stevens

### **STAFF PRESENT**

Carol Leighton, Director  
Karen L. Bivins, Deputy Director  
Judy Brown, Examiner  
Robert Perkins, A.A.G.  
Susan Greenlaw, Secretary

### **MEMBERS ABSENT**

**Location:** Central Conference Room

**Start:** 9:00 a.m.

**Adjourn:** 11:40 a.m.

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### **Minutes – December 16, 2004**

The minutes were amended to reflect that David Kitchen recused from participation in the hearing pertaining to Richard Abbondanza v. Director. A motion was made by David Kitchen and seconded by Earl Black to approve the minutes of the December 16, 2004 meeting as amended. Unanimous.

### **Agenda Modifications**

A motion was made by David Kitchen and seconded by Earl Black to add the following to the agenda. Unanimous.

- Proposed Consent Agreements  
#2003-049  
#2005-008
- Proposed Dismissals  
#2003-057  
#2004-121
- Request for extension from Donald P. Rivers
- ARELLO Memo
- Additional Legislative Update

### **Commission Decisions**

David Kitchen recused and left the room. A motion was made by Earl Black and seconded by Jeffrey Mitchell to accept the Decision in the matter of Richard J. Abbondanza v. Director. Black, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

### **Commission Hearing**

The Chair opened the hearing in the matter of L. Roger LaJeunesse v. Director. Mr. LaJeunesse was present. The Director was present. Assistant Attorney General Robert Perkins attended as Commission counsel. Public deliberations were conducted at the close of the hearing. A motion was made by David Kitchen and seconded by Jeffrey Mitchell to uphold the denial of Mr. LaJeunesse's application for a broker license. Black, Kitchen, Millett, and Mitchell voted in the affirmative; Stevens opposed. Motion carried.

### **Consent Agreements**

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to accept the proposed Consent Agreements in case numbers 2003-075, 2004-101, 2004-147, 2004-152, and 2005-008 Unanimous.

A motion was made by Earl Black and seconded by David Kitchen to accept the proposed Consent Agreement in case number 2003-049. Unanimous.

A motion was made by Earl Black and seconded by David Kitchen to reopen case number #2004-152. Unanimous. Sharon Millett recused and left the room. A motion was made by Jeffrey Mitchell and seconded by Earl Black to accept the proposed Consent Agreement in case number 2004-152. Black, Kitchen, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to reopen case number 2003-049. Unanimous. David Kitchen indicated that this case involves a licensee from the same company as he is employed, however, that fact does not influence his decision in this case. A motion was made by David Kitchen and seconded by Jeffrey Mitchell to accept the proposed Consent Agreement in case number 2003-049. Unanimous.

### **Dismissed Complaints**

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to accept the proposed Dismissals in case numbers 2003-025, 2003-082, 2003-097, 2004-088, 2004-107, 2004-130, 2004-145, 2003-057, and 2004-121. David Kitchen indicated that case #2003-097 involves a licensee from the same company as he is employed, however, that fact does not influence his decision in this case. Unanimous.

### **Director's Report**

Update – Draft Legislation: Transaction broker proposal has not been received from the Reviser’s office.

Update – June ARELLO Meeting: Scheduled for June 5-6 in Portland, Maine. Progress is being made in scheduling topics and events.

Request for Extension from Donald P. Rivers: Mr. Rivers requested a 60-day extension to complete the designated broker course ordered by the Commission at its hearing held October 28, 2004 . A motion was made by David Kitchen and seconded by Jeffrey Mitchell to grant the extension. Unanimous.

ARELLO Memo: Carol Leighton provided a report on the highlights of the ARELLO Board of Directors meeting she attended June 6-8 in Miami, Florida.

Additional Legislative Update: Discussed L.D. 159 “An Act To Restrict Undocumented Mortgage Agreements” and L.D. 259 “An Act To Require Water Tests Prior to the Sale of Homes”.

Next Meeting Scheduled for March 24, 2005.

The meeting was adjourned at 11:40 a.m.

This report respectfully submitted,

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Sharon Millett  
Chairperson

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Carol J. Leighton  
Director